

REMARKS

Claims 1-12 are pending in the application.

The present invention is a continuation of PCT/JP99/05183 filed September 22, 1999, currently pending. The first paragraph of the specification has been amended herein. It is respectfully requested the request for domestic priority be acknowledged. Additionally it is noted the "Request" to file this continuation requested the first paragraph of the specification be amended to show the continuity information.

The Abstract is objected to. A substitute Abstract is submitted herewith to correct the length and format.

Claims 1-3, 5-7 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakano et al. (EP 709,973) (Nakano).

Claims 1 and 2 have been cancelled obviating the rejection.

Independent claims 3, 5 and 6 each include at least the distinguishing features not found or suggested by Nakano of: a searcher for detecting multipath and levels of signals that arrive via respective one of the paths;

a level –difference calculation unit for calculating plural level differences between adjacent paths using the levels of signals; and

a correction unit for correcting the target SIR based upon a combination of said plural level differences between adjacent paths.

Nakano fails to describe calculating plural level differences and correcting the target SIR based upon a combination of the plural level differences between adjacent paths. Accordingly, it is respectfully submitted Nakano fails to anticipate or render obvious the features of applicant's

independent claims 3, 5 and 6 and the rejection should be withdrawn. The respective dependent claims are likewise allowable for at least the set forth above and because they each recite additional features.

In addition claim 3 provides for example a means for creating a command, which controls transmission power of the mobile station in such a manner that the measured SIR will agree with said corrected target SIR, and transmitting this command to the mobile station.

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano in view of Dohi et al. (U.S. 6,341,224). Independent claim 8 recites at least the features pointed out above with respect to claim 3 which are not suggested by Nakano. Dohi likewise fails to suggest these features which are lacking in Nakano therefore it is respectfully submitted claims 8 and dependent claim 9 are in condition for allowance.

Claim 10 is also rejected as unpatentable over Nakano, Dohi et al. and further in view of Watanabe et al. (U.S. 5,802,110).

Claim 4 is rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano et al. and further in view of Hasegawa (U.S. 6,032,050) and claim 12 as unpatentable over Nakano in view of Dohi et al. and further in view of Tiedemann, Jr. et al. (U.S. 6,317,587).


Dependent claims 4, 10 and 12 each recite at least the features pointed out above with respect to claim 3 which are not suggested by Nakano. The distinguishing features are not suggested by any of the combination of references suggested above and therefore it is respectfully requested the rejections be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8703
Docket No.:
BSM:fd